

**MINUTES OF THE REGULAR MEETING  
OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF WALL, HELD IN THE  
MEETING ROOM, MUNICIPAL COMPLEX  
WEDNESDAY, MAY 13, 2009**

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The meeting was called to order by Mayor Clayton at 7:30 P.M. Present were Mayor Michael J. Clayton presiding, Deputy Mayor George K. Newberry, Committeeman Jeffrey W. Foster, Committeeman Clinton C. Hoffman, Committeewoman Ann Marie Conte, Township Administrator Joseph L. Verruni, Assistant Administrator Kate Kohri, Township Attorney Joseph Oxley and Township Clerk Lorraine Kubacz.

Mayor Clayton read the sunshine statement.

Roll-call was taken by Lorraine Kubacz.

Committeeman Hoffman moved that the Vouchers for March 26 - April 28, 2009, be approved. Committeeman Foster seconded the motion and on roll-call, members voted as follows:

Conte	Yea
Foster	Yea
Hoffman	Yea
Newberry	Yea
Clayton	Yea

There being five yeas and no nays, the Mayor declared the Vouchers approved.

Committeeman Hoffman moved that the minutes of February 2009 be approved. Deputy Mayor Newberry seconded the motion and all members voted in favor.

Mayor Clayton advised that we will present Bill Hurley with a small gift to thank him for his 25 years of service to Wall Township. Chief Morris stated that he was pleased to be here to thank Bill Hurley for his service. Mayor Clayton said that it was an honor to have Bill Hurley as an officer in town and thanked him and wished him success.

Mayor Clayton announced that the Committee wants to recognize our troops overseas. Each month at the public meeting, we want to recognize one member. This month we recognize Patrolman Ian Hatch who was serving our country in Iraq. Patrolman Hatch has returned to work for Wall Township. Mayor Clayton asked if anyone knows of someone else serving overseas, please contact the Township to let us know.

Mrs. Kubacz, Kristen Meyler and Mary Lynn Morris presented the awards to the winners of the Joseph L. Kubacz DARE Poster contest. The winners were as follows:

**ALLENWOOD SCHOOL**

Brenda Kulaga	1st Place
Joe Giacalone	2nd Place
Puja Patel	3rd Place

**CENTRAL SCHOOL**

Robbie Buckelew	1st Place
Kelsey Nies	2nd Place
Chad McClelland	3rd Place

**OLD MILL SCHOOL**

Shane Russo	1st Place
Kayleigh Ward	2nd Place
Tommy Fletcher	3rd Place

**WEST BELMAR SCHOOL**

Shannon Meyler	1st Place
Kate Langworthy	2nd Place
Cassandra Passantino	3rd Place

Mayor Clayton and the Committee congratulated the winners.

Mayor Clayton announced that a Proclamation will be presented for Autism Awareness Month and Myasthenia Gravis Month but no one is present to accept the Proclamations.

The First Aid Squad will be late so the Committee will hold the Proclamation until they arrive.

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 11-2009** - Amending Chapter 167 of the Code of the Township of Wall Entitled Peddling and Solicitation entitled, "AN ORDINANCE AMENDING CHAPTER 167 OF THE CODE OF THE TOWNSHIP OF WALL ENTITLED PEDDLING AND SOLICITATION". Mrs. Kubacz read the Ordinance by title only as required by law.

**Comment [01]:** In this whole section, the names of the Committeeman or Committeewoman who moved or seconded are missing.

Committeeman Foster made a Motion to amend Ordinance No. 11-2009 Section 167-11A to add the following:

With the exception of ice cream vendors who may sell from trucks between the hours of 9 a.m. and 9 p.m., Sunday through Saturday.

Committeewoman Conte seconded the motion and on roll call members voted as follows:

Conte	Yea
Foster	Yea
Hoffman	Yea
Newberry	Yea
Clayton	Yea

There being five yeas and no nays, the Mayor declared the amendment approved.

Mayor Clayton declared the Public Hearing open. There were no comments or objections, Committeeman Foster moved that the public hearing be closed. Committeewoman Conte seconded the motion and all members voted yes. Committeeman Foster moved that the Ordinance be adopted as to its second reading and final passage. Committeewoman Conte seconded the motion and on roll-call, members voted as follows:

Conte	Yea
Hoffman	Yea
Foster	Yea
Newberry	Yea
Clayton	Yea

There being five yeas and no nays, the Mayor declared the Ordinance adopted. Committeeman Foster moved that the Ordinance be advertised

according to law. Committeewoman Conte seconded the motion and all members voted yes.

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 12-2009** - Amending an Ordinance Establishing a Committee Designated as The Wall Township Citizens Committee on Affordable Housing entitled "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AMENDING AN ORDINANCE ESTABLISHING A COMMITTEE DESGNATED AS THE WALL TOWNSHIP CITIZENS COMMITTEE ON AFFORDABLE HOUSING." Mrs. Kubacz read the Ordinance by title only as required by law. Mayor Clayton declared the Public Hearing open. There were no comments or objections, Committeeman Hoffman moved that the public hearing be closed. Committeewoman Conte seconded the motion and all members voted yes. Committeeman Hoffman moved that the Ordinance be adopted as to its second reading and final passage. Committeewoman Conte seconded the motion and on roll-call, members voted as follows:

Conte	Yea
Hoffman	Yea
Foster	Yea
Newberry	Yea
Clayton	Yea

There being five yeas and no nays, the Mayor declared the Ordinance adopted. Committeeman Hoffman moved that the Ordinance be advertised according to law. Committeewoman Conte seconded the motion and all members voted yes.

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 13-2009** - Amending Chapter 62 of the Code of the Township of Wall Entitled Alcoholic Beverages entitled "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AMENDING CHAPTER 62 OF THE CODE OF THE TOWNSHIP OF WALL ENTITLED ALCOHOLIC BEVERAGES." Mrs. Kubacz read the Ordinance by title only as required by law. Mayor Clayton declared the Public Hearing open. There were no comments or objections, Committeeman Hoffman moved that the public hearing be closed. Committeewoman Conte seconded the motion and all members voted yes. Committeeman Hoffman moved that the Ordinance be adopted as to its second reading and final passage. Committeewoman Conte seconded the motion and on roll-call, members voted as follows:

Conte	Yea
Hoffman	Yea
Foster	Yea
Newberry	Yea
Clayton	Yea

There being five yeas and no nays, the Mayor declared the Ordinance adopted. Committeeman Hoffman moved that the Ordinance be advertised according to law. Committeewoman Conte seconded the motion and all members voted yes.

With reference to Introduction of **ORDINANCE NO. 15-2009** - Amending Court Fees entitled, "ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AMENDING CHAPTER 1-1 OF THE CODE OF THE TOWNSHIP OF WALL ENTITLED "MAXIMUM PENALTY". Mrs. Kubacz read the Ordinance by title only, as required by law. Committeeman Foster moved that the Ordinance be adopted as to first reading. Deputy Mayor Newberry seconded the motion and on roll-call, members voted as follows:

Conte	Yea
Hoffman	Yea
Foster	Yea

Newberry	Yea
Clayton	Yea

There being five yeas and no nays, the Mayor declared the Ordinance adopted as to its first reading. Committeeman Foster moved that the Clerk advertise the Ordinance according to law, the second reading and public hearing to be held June 10, 2009, 7:30 P.M. Deputy Mayor Newberry seconded the motion and all members voted yes.

With reference to Introduction of **ORDINANCE NO. 16-2009** - Providing for Various Capital Improvements entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS BY THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,930,000 THEREFOR, INCLUDING \$500,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION, \$750,000 EXPECTED TO BE RECEIVED FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION DIVISION OF WATERSHED MANAGEMENT GRANT AND \$476,500 EXPECTED TO BE RECEIVED FROM THE BUFFER ZONE PROTECTION PROGRAM GRANT AND AUTHORIZING THE ISSUANCE OF \$1,833,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF," Mrs. Kubacz read the Ordinance by title only, as required by law. Deputy Mayor Newberry moved that the Ordinance be adopted as to first reading. Committeeman Foster seconded the motion and on roll-call, members voted as follows:

Conte	Yea
Hoffman	Yea
Foster	Yea
Newberry	Yea
Clayton	Yea

There being five yeas and no nays, the Mayor declared the Ordinance adopted as to its first reading. Deputy Mayor Newberry moved that the Clerk advertise the Ordinance according to law, the second reading and public hearing to be held June 10, 2009, 7:30 P.M. Committeeman Foster seconded the motion and all members voted yes.

With reference to Introduction of **ORDINANCE NO. 17-2009** - Providing for Various Water Utility Improvements entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS WATER UTILITY IMPROVEMENTS IN AND THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$190,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF," Mrs. Kubacz read the Ordinance by title only, as required by law. Deputy Mayor Newberry moved that the Ordinance be adopted as to first reading. Committeeman Foster seconded the motion and on roll-call, members voted as follows:

Conte	Yea
Hoffman	Yea
Foster	Yea
Newberry	Yea
Clayton	Yea

There being five yeas and no nays, the Mayor declared the Ordinance adopted as to its first reading. Deputy Mayor Newberry moved that the Clerk advertise the Ordinance according to law, the second reading and public hearing to be held June 10, 2009, 7:30 P.M. Committeeman Foster seconded the motion and all members voted yes.

**CONSENT AGENDA**

With reference to Items 18 A - DD it was announced that all matters will be adopted or approved collectively by a single motion and roll-call vote by a majority of the Township Committee. All items on the consent

agenda have been made available in advance of the meeting for public inspection and are also available for public inspection in the office of the Township Clerk. There will be no separate discussion of these items. If discussion is desired on any item, it will be considered separately. Mayor Clayton asked if any member of the Township Committee wished to consider any other item separately.

Deputy Mayor Newberry and Committeeman Foster recused themselves from Resolution 09-416 and 09-513.

There being no further comments, a motion was made by Committeeman Hoffman and seconded by Committeewoman Conte to adopt the following Resolutions, and on roll-call, members voted as follows:

Conte	Yea
Hoffman	Yea
Foster	Yea (except 416 & 513)
Newberry	Yea (except 416 & 513)
Clayton	Yea

There being five yeas and no nays, the Mayor declared the following Resolutions adopted:

#09-416 - Resolution Authorizing Discussion of Matters in Executive Session - April 14, 2009 (ratify)

#09-417 - Resolution (Added Starter) Rescheduling a Township Committee Meeting - May 26, 2009 (Ratify)

#09-418 - Resolution Authorizing Discussion of Matters in Executive Session - April 22, 2009 (ratify)

#09-501 - Resolution Authorizing a Professional Service Contract for the Provision of Outside Auditor Services in Connection with the Review of the township of Wall, Board of Education Budget which was Defeated in the Election of April 21, 2009 (ratify)

#09-502 - Resolution Authorizing Discussion of Matters in Executive Session - May 6, 2009 (ratify)

#09-504 - Resolution Authorizing Release of Escrow Funds From Account Number 7569 for Wall Speedway Properties, LLC

#09-505 - Resolution Authorizing Release of Performance Guarantees for Quakerbridge Mews, LLC, Block 876 Lot 14.01

#09-506 - Resolution Authorizing Release of Escrow Funds from Account Number 7463 for Modern Group LTD

#09-507 - Resolution of the Township Committee of the Township of Wall Authorizing the Affordable Housing Alliance to Act as Township Official for Contact and Transactions with the NJ Department of Motor Vehicles

#09-508 - Resolution Authorizing Execution of Application for Water Extension - Highway 34 Properties - Atlantic Ridge Professional Centre - Block 826 Lots 14 & 135 - Route 34

#09-509 - Resolution Authorizing Execution of Application for Sewer Extension - Highway 34 Properties - Atlantic Ridge Professional Centre - Block 826 Lots 14 & 135 - Route 34

#09-510 - Resolution of the Township Committee of the Township of Wall Authorizing the Law Firm of Dasti, Murphy, McGuckin, Ulaky, Cherkos & Connors to Commence Foreclosure Proceedings

#09-511 - Resolution of the Township Committee of the Township of Wall Changing the Location of a Township Committee Meeting

#09-512 - Resolution of the Township Committee of the Township of Wall Changing the Location of a Township Committee Meeting

#09-513 - Resolution of the Township Committee of the Township of Wall Concerning the Annual School Budget of the Wall Township Board of Education for the 2009/2010 School Year

#09-514 - Resolution of the Township Committee of the Township of Wall in Opposition to a Proposed Diversion of Funds from the Emergency Medical Technician Training Fund

#09-515 -Submittal of a Grant Application an Execution of a Grant Agreement with the New Jersey Department of Transportation for the Improvements to Bailey's Corner Road - Phase II Project

#09-516 - Resolution of the Township Committee of the Township of Wall Authorizing the Issuance of a Fireworks Display Permit to the Wall Township Recreation Department

#09-517 - Resolution of the Township Committee of the Township of Wall Authorizing the Execution of an Application for a Grant from the New Jersey Department of Community Affairs for Rec Opps for Individuals with Disabilities

#09-518 - Resolution of the Township Committee of the Township of Wall Authorizing the Execution of a Right of Way Agreement Between the Township of Wall and Jersey Central Power and Light - Block 240 Lot 55.03 - North Wall Little League

#09-519 - Resolution of the Township Committee of the Township of Wall Authorizing the Execution of a Right of Way Agreement Between the Township of Wall and Jersey Central Power and Light - Block 799 Lot 57 - South Wall Little League

#09-520 - Resolution of the Township Committee of the Township of Wall Appointing an Acting Mayor

#09-521 - Resolution of the Township Committee of the Township of Wall Authorizing Certain Tax Refunds

#09-522 - Resolution of the Township Committee of the Township of Wall Authorizing Certain Water/Sewer Refunds

#09-523 - Resolution of the Township Committee of the Township of Wall Authorizing Certain Personnel Actions

Raffle - Wall Kiwanis Club - Various Dates beginning in May, 2009 50/50 - Wall Stadium (Ratify)

Raffle - Wall Pop Warner - November 26, 2009 - 50/50 Benefit Pop Warner

One Day Social Affairs Permit - Wellhofer Scholarship Foundation - June 24, 2009 2-7 p.m. - Benefit Scholarships

Block Party - Hill Avenue - July 12, 2009 - 11 a.m.-11 p.m. (rain date July 13, 2009)

## End of Consent Agenda

The First Aid Squad arrived and Mayor Clayton read the Proclamation honoring them. Committeeman Foster stated that this is his squad and he is very proud of them. The squad delivered a baby and things like this don't happen very often and he is very proud of them. The Committee congratulated the squad.

## Comments from Township Committee

Committeeman Hoffman noted that last year the Charity Ball raised \$22,000 for two charities. The second Charity Ball will be held on June 5, 2009, and Mr. Hoffman asked everyone to participate with the ad journal or attending the event. The Ball will benefit Project Graduation and the Wall Foundation for Educational Excellence.

## Audience Participation

Art Krum, asked that the Township Attorney write an Ordinance excluding Township Committee members from eligibility of health benefits from the Township. Mr. Krum stated that only one member takes advantage of this but it costs the taxpayers \$14,000 a year. Committeeman Foster stated that he is the member who takes the benefits but it only costs the Township only \$1,500. The Township is self-insured and it only costs what Mr. Foster takes out of it. Committeeman Hoffman added that the Township is self-insured and the cost is an average amount. There are 240 people insured and that is divided into the total cost. Each individual employee only costs the expenses of what they incur. If they don't have any incidents, it costs less. Mr. Krum still asked that the Ordinance be adopted to exclude Committee members from health benefits.

Nancy Ellen Draper, District Leader for District 13, stated that canvassers from the Clean Water Alliance were out until 9 p.m. The Police were called and they said it was okay but the residents don't appreciate this. Mrs. Kubacz advised that the Ordinance states 5 p.m. The Alliance did apply to the Police Department for permission.

Ms. Draper also asked about a registered sex offender ruling in Wall Township. Mayor Clayton replied that we copy the State Law. Attorney Oxley advised that several municipalities had a more stringent distance and they were struck down. It must be in accordance with State Law. Ms. Draper stated that there is a sex offender in her district and asked the Committee to look into what can be done about this. Deputy Mayor Newberry replied that the county Prosecutor's office has a three tier system. The documents are very specific as to what we can and can't do with the information provided to us. A lot of rights are given to the sex offenders. Mr. Newberry suggested that Ms. draer call the Prosecutor's office.

Ms. Draper also asked about political signs. Some were put up before the 21 days in our ordinance. Mayor Clayton asked Ms. Draper to contact Mr. Verruni or the code enforcement officer.

Ms. Draper also noted that parking at the Primary School is a problem for drivers going west on New Bedford Road and trying to make a left hand turn and asked that this be looked into. Mayor Clayton said he would have the Police and the Board of Education look at this.

Gary Krikorian, Belmar Boulevard, noted that there was an error in the minutes of January 28<sup>th</sup> meeting. Mrs. Kubacz will look into it. Mr. Krikorian asked about the gentleman who was videotaping the meeting in

April which he believed is illegal. Attorney Oxley replied that recording can be regulated by the municipality. There is no prohibition to this.

Mr. Krikorian mentioned signs in Wall Township stating that Wall Township is a Community against drugs. Now we have drug-free school zones. Mr. Krikorian found one of the old signs on Sea Girt Avenue.

Mr. Krikorian asked why so many COAH units were being placed in Central School zone. Committeeman Hoffman replied that with 100% municipally sponsored projects as our only compliance tool we are relegated to building large size developments and the only property in Wall Township with lots big enough for that is on Route 34 in the North section of the Township.

Mr. Krikorian complained that a section of Route 35 is becoming a blighted situation and said that there are many ways to attract businesses to Wall. Mr. Krikorian also felt that the new traffic light in front of Brooke 35 is not needed. Mayor Clayton said that this is before the Planning Board now. Mr. Krikorian asked the Township to apply for the Urban Price Zone so that the sales tax would be lower in certain areas of town. Mayor Clayton asked Mr. Krikorian to leave some information for the committee. Committeeman Hoffman said that this would require the town to have a transportation center. Also, attracting more business would affect our Mount Laurel obligation.

Mr. Krikorian advised the Committee that there is a rumor that the airport will become a fueling stage. Mayor Clayton said he had not heard that but the runways are not capable of larger aircraft.

Mr. Krikorian asked the Township to allow a 10% tax credit for residents who want to fix up their homes. Mayor Clayton said the Committee would take this into consideration.

Mr. Krikorian felt that the Committee should stop appointing members to the sewerage authorities and that they do not deserve to get benefits.

Robin Cervantes, Tally Ho Drive, commended the Committee for their decision on the Board of Ed budget. We are losing a lot of fine teachers but thanked the Committee for their time and consideration.

Committeeman Hoffman announced that the Committee will meet on May 26<sup>th</sup> and there will be a presentation on the budget. Mr. Hoffman encouraged everyone to attend.

There being no further business Committeeman Hoffman moved Resolution 09-524 authorizing discussion in private session. Committeeman Foster seconded the motion and all members voted in favor.

9:00 p.m. the Committee went into Private Session.